

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of D. H. RIVERS, Minor.

UNPUBLISHED  
November 14, 2013

No. 315934  
Wayne Circuit Court  
Family Division  
LC No. 11-498463-NA

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Before: M. J. KELLY, P.J., and CAVANAGH and SHAPIRO, JJ.

PER CURIAM.

Respondent T. Rivers appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm.

The trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing legally admissible evidence. See MCR 3.977(E)(3) and (K); *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008). Respondent failed to provide proper care for the child because she used cocaine during her pregnancy, thus exposing the child to a risk of harm. “[A] child has a legal right to begin life with a sound mind and body” and prenatal drug use is evidence of neglect. *In re Baby X*, 97 Mich App 111, 115-116; 293 NW2d 736 (1980). The evidence also showed that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time considering the child’s age. Respondent has a prior history with Child Protective Services. She was not able to care for any of her four older children, and she was in no better position to care for this child. She did not have suitable housing, given that she had only minimal furniture and no refrigerator. Respondent’s income from sporadic jobs was insufficient to support her and the child and she had no employment prospects. Because the trial court did not clearly err in finding that termination was warranted under § 19b(3)(g), it is unnecessary to consider whether the court erred in relying on §§ 19b(3)(i) and (j) as additional grounds for termination. Any error in relying on either § 19b(3)(i) or § 19b(3)(j) would be harmless. See *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

We find no merit to respondent’s claim that she was entitled to services. “Reasonable efforts to reunify the child and family must be made in all cases except if” certain aggravating circumstances are present, one of which is that “[t]he parent has had rights to the child’s siblings involuntarily terminated.” MCL 712A.19a(2)(c). The record clearly demonstrates that respondent’s parental rights to another child were involuntarily terminated in March 2011. Therefore, services were not required.

Finally, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. See MCL 712A.19b(5); MCR 3.977(K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent did not have suitable housing for the child, did not have sufficient income with which to support herself and the child, and did not have any employment prospects. She failed to demonstrate a commitment to the child after he was placed in foster care, given that she did not take full advantage of the parenting time offered to her. Evidence indicated that respondent and the child were not bonded, and that the child was thriving in his foster home. Therefore, the trial court did not clearly err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Michael J. Kelly  
/s/ Mark J. Cavanagh  
/s/ Douglas B. Shapiro